

Issue	Plasse's Sworn Testimony	Plasse's Current Position	The Facts
<p>Issue #1: <i>Did Plasse send a resume to TEC which stated that he has an MBA Degree when he applied for his position as controller?</i></p>	<p>Q. Have you ever claimed to have gotten an MBA? A. No. (Plasse Dep. at 9.)</p> <p>A. If it . . . if [my resume] is going to an agency or an employer, it would say candidate . . . My resume at Tyco says candidate for master's degree. (Plasse Dep. at 22.)</p> <p>Q. Did you send a resume to Tyco Electronics that stated you had an MBA? A. No. Q. Are you sure about that? A. Yes, I am. (Plasse Dep. at 254-55.)</p> <p>Q. Did you highlight your educational credentials to describe yourself as an MBA in any of your resumes that you submitted to Tyco Electronics? A. No, I wouldn't have. (Plasse Dep. at 261.)</p> <p>Q. Did you represent [on the handwritten application, Dep. Ex. 10] to Tyco Electronics that you had an MBA degree? * * * A. I represented that I was a</p>	<p>"One can conclude from plaintiff's deposition testimony that he could well have sent such a resume to Tyco saying that he had an MBA." (Plasse Opposition to Renewed Motion to Dismiss, at 9.)</p> <p><u>Note:</u> Plasse's Affidavit is silent on this issue.</p>	<p>1. The resume in Plasse's personnel file states he has an MBA. (Dep. Ex. 15, a copy of the relevant pages was submitted as Ex. D to Renewed Motion Brief)</p> <p>2. Plasse's signed, hand-written application form states that he has an MBA degree. (Dep. Ex. 10, also submitted as Ex. E to Renewed Motion Brief)</p> <p>3. EvidentData found a deleted resume on a floppy disk Plasse provided which was created in January 2000, before Plasse applied for his position at TEC in July 2000, and which states that Plasse has an MBA. (EvidentData Report at § 3.1)</p>

Issue	Plasse's Sworn Testimony	Plasse's Current Position	The Facts
	<p>candidate. ... I would have on here MBA candidate. I wouldn't just put MBA on there if I was pursuing it. I don't know if this was altered or what but ... (Plasse Dep. at 265.)</p> <p><i>See also</i> Plasse Dep. at 11 ("It looks like a resume. ... All mine say candidate. ... all the resumes I have say candidate."); 13 ("the resumes I've submitted to any employer has candidate for MBA".)</p>		
<p>Issue #2: <i>Is the resume Plasse produced after his first day of deposition (Dep. Ex. 9) which states that he is a "Candidate" for an MBA the resume Plasse submitted to TEC when he applied for his position or is it a more recent fabrication?</i></p>	<p>Q. Did you modify at any time or alter the resume that is included in Exhibit 9? A. This is what I had attached to the facsimile. I didn't change anything. This was in my briefcase. (Plasse Dep. at 270-71.)</p> <p>At his first day of deposition, Plasse testified that he found Dep. Exhibit 9 in his briefcase at least four separate times. (Plasse Dep. at 257, 260, 270, 271.) Ten days later, at his second day of deposition, Plasse continued to testify that he found Dep. Exhibit 9 in his briefcase. (Plasse Dep. at 350-51.)</p> <p>Plasse retracted the "briefcase" explanation at the end of his second</p>	<p>"I did not contrive, forge or recreate this document in 2004." (Plasse Aff. ¶4, Ex. 8 to Plasse Mem. in Opposition to Renewed Mot. to Dismiss.)</p>	<ol style="list-style-type: none"> 1. The version of the resume found in Dep. Ex. 9 is not in the TEC personnel file. (Ayala Affidavits and attached copy of personnel file; submitted with TEC's original motion to dismiss.) 2. Plasse's account of where he found this newly produced resume (Dep. Exhibit 9, also submitted as Ex. G to Renewed Motion Brief) shifted significantly under questioning. (Plasse Dep. at 352-55.) 3. The font, style, word tense, and text of the resume Plasse produced as part of Dep. Ex. 9 are more consistent with the Plasse's more recent, post-TEC employment resume, than it is with the Plasse resumes from 2000.

Issue	Plasse's Sworn Testimony	Plasse's Current Position	The Facts
	<p>day of deposition: Q. So it wasn't in the briefcase? A. No. (Plasse Dep. at 352-55.)</p>		<p>(Compare the Plasse resume in the TEC personnel file, Ex. D to Renewed Motion Brief, and the recovered resume from 2000 that Plasse tried to delete, Ex. A1 to Renewed Motion Brief, with the resume Plasse produced as part of his initial disclosures, Ex. L to Renewed Motion Brief.)</p> <p>4. EvidentData uncovered extensive evidence of efforts to destroy and conceal resumes, cover letters, and other documents after TEC requested inspection of his computer. (EvidentData Report, Ex. A to TEC. Mem. in Support of Motion to Dismiss.)</p> <p>5. EvidentData recovered from a disk a resume that Plasse created in January 2000 (before he applied to TEC) and that Plasse later deleted that had an identical MBA claim as that on the resume Plasse sent to TEC and that is in Plasse's personnel file. (EvidentData Report, § 3.1.)</p> <p>6. Plasse deleted numerous files named "resume" ("_ESUME.LWP," "_ESUME2.LWP," and "_ESUME.DOC") the contents of which could not be recovered. (EvidentData Report § 3.2.)</p>

Issue	Plasse's Sworn Testimony	Plasse's Current Position	The Facts
			<p>7. Plasse accessed files and documents since his deposition in November 2004 that included resumes (including "Tyco.doc"); cover letters (including "Cover Letter-jp.doc") and correspondence with TEC ("thankyoutyco.doc"). Plasse deleted or concealed these documents since November 2004, and as recently as June 28, 2005. EvidentData was able to recover only fragments of some of these documents. (EvidentData Report, at §§ 3.2, 4.3, 4.4, and 4.5.)</p>
<p>Issue #3: <i>Did Plasse deliberately delete, destroy, or conceal documents after he was put on notice that those documents were relevant and that TEC was seeking to review them?</i></p>	<p>Q. Was it [Dep. Ex. 1, a resume stating that Plasse has an MBA] produced on your computer? A. Possibly. Q. Do you still have that computer? A. No, I don't. * * * Q. Did you transfer the data from your old laptop to your new laptop? A. I might have it on a diskette, I'm not sure. TEC's counsel, on the record, then requested an inspection of the computer and disks, and asked that they be "secured at least until we can resolve the issue." MR. CAHILLANE: I can tell Mr. Plasse not to destroy any potential</p>		<p>1. EvidentData determined that the system date had been manipulated on July 24, 2005, almost seven months after TEC initially put Plasse on notice that it wanted to inspect documents on his computer, and two days before EvidentData was scheduled to copy the data on his computer. (EvidentData Report, §4.2.)</p> <p>2. EvidentData determined that relevant documents such as "_ESUME.LPW", "_ESUME2.LWP", and "_ESUME.DOC" had been accessed as recently as June 28, 2005, and then were deleted. (EvidentData Report, §3.2.)</p>

Issue	Plasse's Sworn Testimony	Plasse's Current Position	The Facts
	evidence, but I'm not taking his computer from him and locking it up. (Plasse Dep. at 11-13.)		<p>3. EvidentData found evidence that Plasse had accessed files with names such as "Cover Letter.doc", "resume 3-19-03.doc", "Resume Jim Plasse-Carrando.doc", and "Tyco.doc" on his laptop after November 2004, but those documents were no longer present on the laptop or on any of the disks Plasse produced. (EvidentData Report, §§ 4.3, 4.4.)</p> <p>4. EvidentData found a fragment of a document called "thankyoutyco.doc" on Plasse's laptop which appears to be a letter that Plasse wrote to TEC after his job interview. That document was accessed on May 2, 2005, but is no longer available on either the laptop or on any of the disks Plasse produced. (EvidentData Report, § 4.5)</p>
<p>Issue #4: <i>Did Plasse testify falsely on November 29, 2004 about documents, and then deliberately destroy and conceal relevant documents?</i></p>	<p>Q. Do you have any additional documents other than that you've produced previously[,] that you've produced today that are related in any way to your employment with Tyco Electronics?</p> <p>A. No. * * *</p> <p>Q. What computer did you look on?</p> <p>A. My existing laptop.</p> <p>Q. Did you find any documents on that computer?</p>	<p>"During the pendency of this litigation I continued to make use of my computer as I always have. Over time I have made several varying versions of a resume, sometimes changing it or sometimes deleting older ones. Exhibit 1 and 3 of the Evident Data report are such resumes I may have deleted. * * *</p> <p>I did also fool around with the</p>	<p>1. Plasse deleted numerous files named "resume" ("_ESUME.LWP," "_ESUME2.LWP," and "_ESUME.DOC") that could not be recovered. (EvidentData Report, §3.2.)</p> <p>2. Plasse accessed files and documents since his deposition in November 2004 that were stored in a folder called "Resume" (including "C:\docs\JimPlasse\Resume\Tyco.doc",</p>

Issue	Plasse's Sworn Testimony	Plasse's Current Position	The Facts
	<p>A. No. * * *</p> <p>There's nothing on there.</p> <p>Q. Did you have any computer disks? A. I looked through some of them, but none of them had anything that was Tyco on them that I could see.</p> <p>Q. What disks did you look at? A. I had some blank disks and I don't back up on disks so I only had like four or five, and when I looked at them, I didn't find anything that was Tyco-related on those disks. Looking through that directory at the titles, I didn't see anything that was Tyco-related. (Plasse Dep. at 241-43.)</p>	<p>computer's dates changing it to July 24 of different years. July 24 is my birthday. It is not to my knowledge the date of any document relevant to this case." (Plasse Aff. ¶ 5.)</p>	<p>"C:\docs\Jim Plasse\Resume\Cover Letter-jp.doc") and he reviewed correspondence with TEC ("thankyoutyco.doc"). Plasse deleted or concealed these documents since November 2004, and EvidentData was able to recover only fragments of some of these documents. (EvidentData Report, §§ 3.2, 4.3, 4.4, and 4.5.)</p> <p>3. EvidentData encountered unexpected dating of certain files as July 24, 2000. EvidentData then found evidence of date manipulation on July 24, 2005, where the date on the computer was turned back to July 24 of previous years, including 2000. (EvidentData Report, §4.2.)</p> <p>4. July 2000 is a relevant time period in this matter; Plasse's cover letter to Leslie Locke, TEC Human Resources sending his resume and applying for employment is dated July 26, 2000. (Plasse Dep. at 333-34; Dep. Ex. 9, also submitted as Ex. G to Renewed Motion Brief; Dep. Ex. 15, relevant pages submitted as Ex. D to Renewed Motion Brief.)</p>